



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
097102,016	06/22/98	CHRISTIE	S 03384.0236-0

WM02/1122
FINNEGAN HENDERSON FARABOW GARRETT &
DUNNER
1300 I STREET NW
WASHINGTON DC 20005-3315

EXAMINER

BOAKYE, A

ART UNIT	PAPER NUMBER
----------	--------------

2663

07

DATE MAILED: 11/22/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/102,016

Applicant(s)

Christie 1V

Examiner
Alexander Boakye

Group Art Unit
2663

☒ Responsive to communication(s) filed on Aug 31, 2000

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-60 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☒ Claim(s) 7, 22, 37, and 47-60 is/are allowed.

☒ Claim(s) 1-4, 6, 8-11, 13-19, 21, 23-26, 28-34, 36, 38-41, and 43-46 is/are rejected.

☒ Claim(s) 5, 12, 20, 27, 35, and 42 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2733

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-4, 6, 8-11, 13-19, 21, 23-26, 28-34, 36, 38-41 and 43- 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norman et al(US Patent 6,055,305) in view of Ardon(US Patent 5,751,800).

Regarding claims 1 and 10, Norman teaches an apparatus for receiving treatments corresponding to a calling party's unsuccessful attempt to complete a communications session, comprises a means for attempting to initiate a communication session from a calling party's communication device to a called party's communications device(column 5, lines 14-20). Furthermore, Norman teaches a means for receiving an indication that the attempted communications session was not completed(column 19, lines 50-51). Furthermore, Norman discloses receiving means for receiving at the calling party's communications device(column 3, lines 30-33) a message providing an indication of a treatment corresponding to the attempted communications session. Norman fails to disclose means for receiving an indication that the attempted communication was not completed. Ardon teaches a means for receiving an indication

Art Unit: 2733

that the attempted communication was not completed(column 4, lines 37-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Ardon's method into Norman's method with the motivation being to provide a busy signal or an indication which would not convey the message .

Regarding claims 2, 11, 14, 16, 17, 25 and 46, Norman teaches an apparatus for receiving treatments corresponding to a calling party's unsuccessful attempt to complete a communications session, comprises a means for attempting to initiate a communication session from a calling party's communication device to a called party's communications device(column 5, lines 14-20). Furthermore, Norman teaches a means for receiving an indication that the attempted communications session was not completed(column 19, lines 50-51). Furthermore, Norman discloses receiving means for receiving at the calling party's communications device(column 3, lines 30-33) a message providing an indication of a treatment corresponding to the attempted communications session. Norman teaches means for receiving a cause value using treatment database(block 220, figure 2)and an address of an associated message corresponding to the attempted communication session. Norman fails to disclose means for receiving an indication that the attempted communication was not completed. Ardon teaches a means for receiving an indication that the attempted communication was not completed(column 4, lines 37-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Ardon's method into Norman's method with the motivation being to provide a busy signal or an indication which would not convey the message .

Art Unit: 2733

Regarding claims 3, 18 and 33, the combination of Norman and Ardon teaches the apparatus wherein the receiving means includes means for obtaining the message from the calling party's communications device(column 3, lines 30-33 of Norman).

Regarding claims 4, 19 and 34, the combination of Norman and Ardon teaches the apparatus wherein the receiving means includes means for obtaining the message using the address(column 6, lines 13-16 of Norman).

Regarding claims 6, 13, 21, 28, 36 and 43, the combination of Norman and Ardon teaches the apparatus wherein the receiving means includes means for receiving the treatment with the message(see the abstract).

Regarding claims 8, 23, 26 and 29, Norman teaches an apparatus for receiving treatments corresponding to a calling party's unsuccessful attempt to complete a communications session, comprises a means for attempting to initiate a communication session from a calling party's communication device to a called party's communications device(column 5, lines 14-20). Furthermore, Norman teaches a means for receiving an indication that the attempted communications session was not completed(column 19, lines 50-51). Furthermore, Norman discloses receiving means for receiving at the calling party's communications device(column 3, lines 30-33) a message providing an indication of a treatment corresponding to the attempted communications session. Norman teaches means for receiving a cause value using treatment database(block 220, figure 2)and an address of an associated message corresponding to the attempted communication session. Norman teaches a means for receiving the indication of a

Art Unit: 2733

particular version of the treatment(column 6, lines 6-10). Norman fails to disclose means for receiving an indication that the attempted communication was not completed. Ardon teaches a means for receiving an indication that the attempted communication was not completed(column 4, lines 37-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Ardon's method into Norman's method with the motivation being to provide a busy signal or an indication which would not convey the message .

Regarding claims 9, 15, 24, 30, 39 and 45, the combination of Norman and Ardon teaches the apparatus wherein the providing means includes means for providing a multimedia version of the treatment(column 3, lines 26-27 of Norman).

Regarding claims 31, 32, 38, 40, 41 and 44, Norman teaches a method for receiving treatments corresponding to a calling part's unsuccessful attempt to complete a communication session, comprising the steps of attempting to initiate a communications session for a calling party's communications device(column 3, lines 30-33) to a called party's communications device(column 5, lines 14-20). Furthermore, Norman discloses the step of receiving at the calling party's communications device a message providing an indication of a treatment corresponding to the attempted communication session. Norman fails to teach the step of receiving an indication the attempted communications session was not completed. Ardon teaches the step of receiving an indication that the attempted communications session was not completed(column 4, lines 37-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Ardon's method into Norman's

Art Unit: 2733

method with the motivation being to provide a bust signal or an indication which would not convey the message.

Allowable Subject Matter

3. **Claims 5, 12, 20, 27, 35 and 42** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7, 22, 37, 47 and 52-60 are allowable

Response to Arguments

4. Applicant's arguments with respect to claims 1-60 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is **(703) 308-9554**. The examiner can normally be reached on M-F from 7:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Chau, can be reached on (703)308-5340. The **informal fax number** (Draft or proposed Amendment) for this Group is (703) 308-6743 wherein the **formal fax number** for the group is (703) 308- 9051. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

Application/Control Number: 09/102,016

Page 7

Art Unit: 2733

AB
A.Boakye
11/18/2000

Chau T. Nguyen
CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600